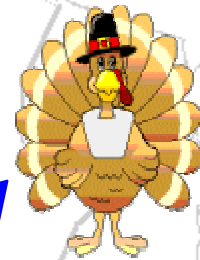
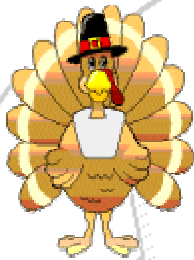


EPA REGION III
REC NEWSLETTER
NOVEMBER, 2002

COMMANDER NAVY REGION
MID ATLANTIC REGION



*Working
for
Tomorrow's
Environment
Today*

We have made every effort to ensure that the information provided is accurate and that all significant Legislative, Regulatory, Federal, EPA, news and information have been included in the REC update. If you have an important issue or information that you would like to be included in our monthly update or believe that information we have provided is incorrect, please contact us at 757-445-8899 or via email DODRECREGION3@cmar.navy.mil.

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LINK HELP

SECURE SITES – Links beginning with https:// may give a security error. To get around this problem copy the link and paste it in your browser.

DENIX - Many of our links are to DENIX. To subscribe to DENIX go to <https://www.denix.osd.mil/denix/register.html> and register. It's a good thing.

If you find a dead link and you really really really want the information, please contact us at DODRECREGION3@cmar.navy.mil and we will find the link for you. [Table of Contents](#)

REGIONAL TOPIC

STORM WATER PHASE II

EPA's Phase II Storm Water regulations required that states issue storm water discharge permits to small municipal separate storm water systems (small MS4s) located in Urbanized Areas (as defined by the Census Bureau using the latest decennial census) and construction activities disturbing between 1 and 5 acres. Small MS4s designated by rule are located in UA and serve populations of less than 100,000 that were not permitted as large or medium separate storm water systems under Phase I Storm Water regulations. The permitting authority may designate other areas and MS4 as regulated and subject to permitting requirements. These include jurisdictions located outside urban areas serving populations of at least 10,000 with a population density of at least 1,000; and storm water systems specifically determined as having the potential to adversely impact water quality. EPA has developed a series of Tables and maps to help owners of small MS4s determine if they are located in an urbanized or designated area. They can be found at www.epa.gov/npdes/stormwater/urbanmaps. Small MS4s include storm water systems owned by municipalities, federal facilities, State facilities, and universities.

Regulated small MS4s must apply for a permit by 10 Mar 03 unless their permitting authorities have decided to phase in permit coverage and establish alternate deadlines. Permits for regulated small MS4s will require development, implementation and enforcement of a Storm Water Management Program (SWMP) that must include six listed minimum control measures. DoD Implementation Guidance for Storm Water Phase II Regulations was completed 15 SEP 00. A copy of the guidance can be found at: <https://www.denix.osd.mil/denix/DOD/Working/CWASSC/Comments/sw-guidance.pdf> [Table of Contents](#)

SPOTLIGHT ON

MS. MARY L. WENZELⁱ

Ms. Mary L. Wenzel received the prestigious *White House Closing the Circle Award* in a ceremony on June 11th at the White House. The award is presented annually to federal employees whose efforts have resulted in a significant contribution to, or have made a significant impact on, the environment. Wenzel received the award for demonstrating outstanding leadership in implementing Presidential Executive Order 13148, Greening the Government Through Leadership in Environmental Management. Under her leadership the Navy program office responsible for the design and construction of the new Lewis and Clark Class ships succeeded in becoming the first Department of Defense acquisition program to implement a comprehensive environmental management system and to receive certification by the International Organization for Standardization (ISO).

Wenzel is an Environmental Protection Specialist at the Naval Surface Warfare Center's Carderock Division, in Bethesda, Maryland. She is currently the Environmental, Safety and Health Manager for the T-AKE Acquisition Program at the Naval Sea Systems Command in Washington, D.C., responsible for all aspects of environmental protection, safety and occupational health associated with the design and construction of twelve Lewis and Clark (T-AKE) Class ships. Designed to operate independently for extended periods at sea while providing replenishment services to U.S. and NATO ships, the Lewis and Clark Class will directly advance the Navy's ability to maintain a forward presence.

Wenzel's White House Award is the latest honor for the T-AKE Acquisition Program. Earlier this year, the Project Team, which includes Wenzel, received awards for Environmental Excellence in Weapons System Acquisition from the Secretary of Defense, Secretary of the Navy, Chief of Naval Operations and Naval Sea Systems Command. The T-AKE Project Team is also nominated for the David Packard Excellence in Acquisition Award. [Table of Contents](#)

ARTICLES OF INTEREST

Supreme Court Declines to Review Conviction in RCRA Case

The U.S. Supreme Court declined to review an Idaho businessman's conviction and 17-year sentence under hazardous waste laws for knowingly exposing a worker to cyanide poisoning. The Supreme Court's decision leaves intact a decision by the U.S. Court of Appeals for the Ninth Circuit that said the federal government had authority to bring a Resource Conservation and Recovery Act enforcement action in a state with an approved hazardous waste program. The October 2001 ruling by the Ninth Circuit affirmed the conviction and 17-year sentence for Allan Elias, owner of Evergreen Resources, a fertilizer company in Soda Springs, Idaho.

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/09Oct02/16.doc.html> [Table of Contents](#)

Recycling News: From Brew to Phew

Any frat boy can tell you what “skunky” beer is. Now it turns out that the term is more appropriate than he might think. When beer is exposed to light over time, substances in hops - the ingredient in beer that imparts its distinctive taste - release a chemical that’s almost identical to a skunk’s spray. Chemists at the University of North Carolina at Chapel Hill and Ghent University, Belgium, have discovered the details of how good beer goes bad. This is happy news for beer manufacturers, most of whom use expensive colored bottles to protect their brews from light. Understanding the process can help brew manufacturers find better ways to keep beer from going skunky in clear bottles. “Beer companies want to use clear bottles,” says Malcolm Forbes, who led the study. “They’re cheaper, and more easily recycled.” The discovery has done wonders for Forbes’s lab’s popularity among grad students, but he insists that only concentrated hops compounds were used for the research. “There was no beer drinking during the study,” he says. “Just after.”ⁱⁱ [Table of Contents](#)

FEDERAL REGISTER NEWSⁱⁱⁱ

Urban Stormwater BMP Monitoring

EPA has released their Urban Stormwater BMP Performance Monitoring Guide (EPA-821-B-02-001). The manual provides practical assistance in conducting water quality monitoring and reporting useful data for assessing effectiveness of stormwater best management practices (BMPs). This manual provides a recommended set of protocols and standards for collecting, storing, analyzing, and reporting BMP monitoring data. The document is located at:

<http://epa.gov/waterscience/stormwater/montcomplete.pdf> [Table of Contents](#)

Draft Chesapeake Bay Comprehensive Oyster Management Plan

EPA has announced availability of the Draft Chesapeake Bay Comprehensive Oyster Management Plan. The plan addresses both habitat restoration and oyster fishery management. The Draft Plan will be available on-line at the EPA Region III Web site www.epa.gov/r3chespk/, or by mail from the EPA Chesapeake Bay Program Office, (410) 267- 5700.

RCRA Testing and Monitoring Activities; Methods Innovation Rule

EPA is proposing to amend a variety of testing and monitoring requirements throughout RCRA regulations to allow more flexibility by removing mandated uses of SW-846 analytical methods, except in cases where the analytical method itself defines the measured parameter (for example the TCLP test). Additionally, EPA proposes to:

- Withdraw the cyanide and sulfide reactivity guidance from sections 7.3.3 and 7.3.4 of SW-846 Chapter Seven;
- Amend the ignitability and corrosivity hazardous waste characteristic regulations (test method or wording changes only);
- Incorporate Update IIIB to SW- 846;
- Add Method 25A for analyses conducted in support of certain RCRA air emission standards (air emission

standards for process vents and/or equipment leaks at hazardous waste management facilities); and

- Remove a confidence limit requirement for certain feedstream analyses (pertaining to NESHAP Standards for Hazardous Waste Combustors)

- In addition, EPA is making available for public comment a new guidance document entitled "RCRA Waste Sampling Draft Technical Guidance." This document will update and replace the original sampling guidance version of Chapter Nine found in SW-846 when the Fourth Edition of SW-846 is published. EPA intends to make the guidance available as a stand-alone document. SW-846 will then reference the separate, stand-alone sampling guidance document.

Comments will be accepted through December 30, 2002.

Proposed Update IIIB and the Third Edition of SW-846, as amended by Final Updates I, II, IIA, IIB, III, and IIIA will be available in PDF format on the Internet at <http://www.epa.gov/SW-846>. The RCRA Waste Sampling Draft Technical Guidance is available at

http://www.epa.gov/epaoswer/hazwaste/test/samp_guid.htm [Table of Contents](#)

Persistent Bioaccumulative and Toxic (PBT) Chemical Profiler Screening Tool

EPA has released a screening tool called the Persistent Bioaccumulative and Toxic (PBT) Chemical Profiler Screening Tool. The purpose of the PBT Profiler is to identify materials that may need additional technical evaluation for Persistence, Bioaccumulation and Toxicity characteristics. PBT estimations rendered by the PBT Profiler are not sufficient for definitive PBT determinations, but the tool identifies chemicals that may need further evaluation for potential Persistence, Bioaccumulation and Toxicity characteristics. The tool may be used on the web by going to www.epa.gov/oppt/pbtprofiler. [Table of Contents](#)

DOD NEWS

DoD Revises Natural Resource Management Plan Guidance

The Defense Department has issued updated guidance to the military services for managing natural resources on installations, stressing early involvement of state and federal fish and wildlife agencies and the public before finalizing integrated natural resource management plans (INRMP). The policy incorporates lessons learned from the last four years of preparing INRMPs for natural resources on more than 25 million acres of land at 425 major installations, says an Oct. 10 news release from the Defense Department. DOD Deputy Under Secretary for Installations and Environment Raymond DuBois issued the guidance in an Oct. 10 memorandum to the military services. It revises coordination, reporting, implementation and miscellaneous requirements under the 1997 Sikes Act Improvement Act (SAIA). The guidance replaces 1998 implementing policy. The guidance is available on [InsideEPA.com](http://www.insideepa.com) or <https://www.denix.osd.mil/denix/Public/ESprograms/Conservation/Legacy/Sikes/sikes.html>

So You Wanna Manage Reptiles & Herptiles

The document "Management and Conservation of Reptiles and Amphibians on Military Installations" has been posted on DENIX. https://www.denix.osd.mil/denix/Public/ES-Programs/Conservation/Legacy/herp_mgmt_gl.html [Table of Contents](#)

Conformity Guidance

The new General Conformity section on the public side of DENIX is now online in the Air subject area at <https://www.denix.osd.mil/denix/Public/Library/Air/air.html>. The Army and Air Force guidance documents have been posted there. The Army guidance was recently updated in August 2002. The recently revised Navy guidance is still awaiting final signature but will be posted when it is available.

Pentagon Offers Way Around Land Use Controls Dispute

The Defense Department is actively seeking common ground with EPA and state regulators on how to address land use controls (LUCs) at contaminated sites, offering what one observer calls an olive branch in a long-standing and often contentious dispute over whether EPA can require LUC implementation measures in cleanup decision documents.

At issue in the dispute is what is meant by DOD's designation in Superfund law as the lead agency at most military cleanups and whether EPA's role is merely consultative or more substantive in deciding "how clean is clean." The conflict, which arose in the spring of 2001, has delayed cleanups at some sites. But now DOD's environment chief John Paul Woodley Jr. has written to EPA's waste chief Marianne Horinko, agreeing "that EPA's authority extends to such oversight and enforcement as is needed to insure protectiveness of the remedy." The Oct. 4 letter continues, "Now we can proceed to reach agreement on what oversight and enforcement is in fact needed. Since EPA does not want more than is needed, and DoD does not want more than is needed, we should have little difficulty reaching agreement." For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/22Oct02/01.doc.html> [Table of Contents](#)

California Passes Two Laws To Address Encroachment Of Bases

California Gov. Gray Davis (D) last month signed into law two measures that attempt to address encroachment of military bases by surrounding communities. One law requires local governments to consider the effect of new growth on nearby military installations. The other measure gives the military notice upfront when the state is getting ready to embark on an environmental review of a major construction project lying underneath certain military airspace or within a military impact zone.

The new laws come as the National Governors Association is advising states to follow actions like California's legislation to address military encroachment concerns, and in turn prevent mission constraints that could lead to base closures or reductions. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/22Oct02/03.doc.html> [Table of Contents](#)

~~CINCLANTFLT~~ COMLANTFLT

Per Secretary of Defense letter dated 24 OCT 02, the SECDEF has directed that the title Commander In Chief shall be reserved solely for the President of the United States. As a result of this guidance, effective immediately, the Title Commander In Chief, U.S. Atlantic Fleet (CINCLANTFLT) is hereby changed to Commander, U.S. Atlantic Fleet (COMLANTFLT). Utilization of current material (signs, stationery, etc) that indicates the title Commander In Chief may still be displayed until supplies are exhausted, or until the next regular maintenance period during which signage may be changed without any undue additional cost to the taxpayers. [Table of Contents](#)

EPA NEWS

IG Study May Hamper Emissions Trading Efforts

A report released last week by EPA's inspector general (IG) that found major problems with the agency's open market emissions trading (OMT) program is casting doubt on states' abilities to move forward with trading programs that require agency approval, and is raising industry fears over the future of new national emissions trading programs. The IG's long-awaited Sept. 30 report charged that EPA's failure to develop a binding regulation for assessing state emissions trading programs is responsible for the high-profile failure of trading efforts in Michigan and New Jersey. "The Michigan and New Jersey OMT programs lacked key safeguards primarily because EPA's basis for proposing approval of these programs was non-binding guidance documents instead of regulations. As a result, the two EPA Regions [that approved state programs] did not require the two states to implement all the safeguards that EPA's guidance documents indicate are needed to minimize the risk of invalid and questionable credits." For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/EP/A/04Oct02/01.doc.html> [Table of Contents](#)

EPA Call For More TCE Tests May Affect Cleanup Costs Nationwide

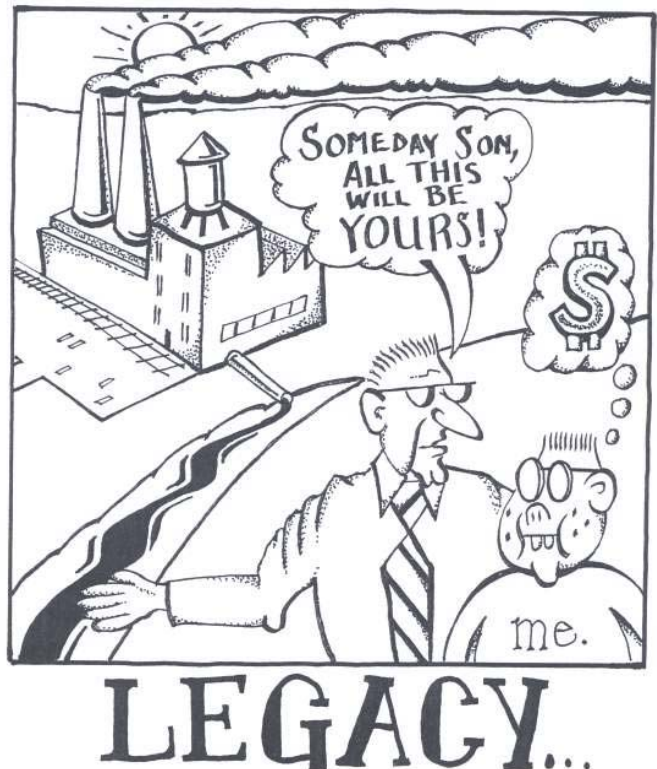
EPA will require the parties responsible for contamination at a California Superfund site to perform additional testing for trichloroethylene (TCE) because of concerns raised by a controversial agency risk assessment, which found TCE poses a much higher risk of cancer than previously thought, according to agency sources. The Region IX request marks one of the first times that EPA has required additional testing for TCE in response to the risk assessment released last summer, and raises the possibility of additional widespread testing for the contaminant at numerous Superfund sites around the country, agency sources say. TCE is one of the most common Superfund pollutants and was a widely used degreaser at manufacturing and defense sites before its health risks were discovered. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/EP/A/11Oct02/22.doc.html> [Table of Contents](#)

Input Sought on Ways to Improve Toxics Release Inventory Program^{iv}

The Environmental Protection Agency solicited public input Oct. 15 on various aspects of the Toxics Release Inventory program such as developing alternatives for collecting data, improving compliance assistance, and getting more timely data to the public (67 Fed. Reg. 63,656). Beginning Oct. 16, the agency will hold a 60-day, on-line public dialogue on the TRI program, EPA said in its Oct. 15 notice. The dialogue is expected to provide input to EPA for an ongoing review of the program that was announced in February (33 DEN A-5, 2/19/02). The review is intended to make TRI data more useful and meaningful to the public and to state, local, and tribal users. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/D/ER/16Oct02/11.doc.html> [Table of Contents](#)



Agreement Near on Sierra Club Lawsuit Over Extension of Air Toxics Permit Deadline

The Environmental Protection Agency, the Sierra Club, state air regulators, and industry are near a new agreement to settle a lawsuit over an extension of the deadline for as many as 80,000 industrial facilities

nationwide to submit permit applications for hazardous air pollutants (Sierra Club v. EPA, D.C. Cir. No. 02-1135, 8/15/02). The new agreement would supplant a proposed settlement between EPA and the Sierra Club that was published 26 AUG 02 (162 DEN A-9, 21 AUG 02). Under the new agreement, different industrial air pollution source categories would face individual deadlines for submitting detailed applications for state permits limiting the amount of hazardous air pollutants they could emit. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/16Oct02/16.doc.html> [Table of Contents](#)

National Study of Contaminants in Fish

EPA recently released the first-year results of its National Fish Tissue Study, which measured selected persistent, bioaccumulative and toxic chemicals in fish from 500 randomly-selected lakes and reservoirs in the United States. The survey will help to determine normal levels, to establish a baseline against which to track progress of pollution control activities, and to identify areas where contaminant levels indicate the need for further study. More information about the preliminary results can be found at

<http://www.epa.gov/waterscience/fishstudy/> . [Table of Contents](#)

Final Implementation Guidance For The Arsenic Rule^v

EPA has released final implementation guidance for the arsenic rule based on the final rule published in the Federal Register on 22 JAN 01. The guidance summarizes key sections of the rule and provides a "how to" approach for USEPA regions and states to implement the regulation. Guidance on treatment technologies is included, including point-of-use treatment devices. For more information go to:

<http://www.epa.gov/ogwdw000/ars/implement.html>

Resource Conservation Challenge

EPA has announced a program to encourage individuals to take responsibility for their individual impact on the environment. The program sets the following national goals for 2005:

- Boosting the national recycling rate from 30 percent to at least 35 percent
- Reducing by 50 percent the generation of 30 harmful chemicals normally found in hazardous waste.

EPA is asking Americans to adopt smart environmental practices, make smart environmental purchases, reuse more products, and recycle at least one pound of their household waste a day. The results of the Resource Conservation Challenge and the innovative projects will be less waste, more economic growth and greater energy savings and recovery. Additional information regarding the program is available at:

<http://www.epa.gov/epaoswer/osw/conserves/index.htm>

Need An SPCC Extension?

On 17 JUL 02 EPA published revisions to the Oil Pollution Prevention rule (67 FR 47042) that will affect most Navy installations. Each installation must now reevaluate their need for, and if necessary, amend their existing Spill Prevention Control and Countermeasures Plan. The short timeline for Plan amendments, which must be certified by a Professional Engineer (PE), is of particular concern. Spill Plans must be amended by 17 FEB 03 and the installations must implement those amendments by 18 AUG 03.

For Region III activities, the appropriate address to send an 40 CFR 112.3(f) SPCC extension request is:

US EPA Region 3
1650 Arch Street (3HS32)
Philadelphia, PA 19103-2029

STATE NEWS

DELAWARE

Governor Lifts Drought Restrictions

On 11 OCT 02, Governor Ruth Ann Minner lifted the mandatory water-use restrictions that have been in force in northern New Castle County since Aug. 2, following a recommendation made by her Drought Advisory Committee earlier in the day. A drought warning is back in place along with a call for all Delaware residents and businesses to continue practicing voluntary water conservation. "I am very proud of the way Delawareans weathered the drought," Gov. Minner said. "Thanks to the conservation efforts of homeowners and businesses, water use continues to be unseasonably low, and I feel comfortable ending the restrictions at this time." [MORE](#) [Table of Contents](#)

Senate Confirms Secretary for DNREC

The Delaware State Senate confirmed three new cabinet members Thursday. John A. Hughes for Secretary of Natural Resources and Environmental Control, Judy McKinney-Cherry for director of the Delaware Economic Development Office and Jennifer Wagner Davis for budget director. "I am very pleased that the Senate confirmed my nominations," Gov. Ruth Ann Minner said. "John, Judy and J.J. have each proven their talent and skill in their areas of expertise. I am extremely proud of all three of them and know they will work hard for the residents of the state of Delaware." Hughes, 61, of Rehoboth Beach, is director of the Division of Soil and Water Conservation at DNREC, a position he has held for 18 years. Before that, Hughes served as operations manager of the division for 14 years. Hughes also served three terms as mayor of Rehoboth Beach, from 1981 to 1987, and served on the Rehoboth Beach commission. He has a bachelor's degree in English from Georgetown University. [MORE](#) [Table of Contents](#)

Delaware Code is Now Online

Governor Ruth Ann Minner today unveiled another online service that allows the public to access a constantly updated version of the Delaware Constitution and Delaware Code via state's portal at <http://www.delcode.state.de.us/>. [MORE](#) [Table of Contents](#)

SIP Revision

The Department is proposing a SIP revision based on "Measures to Meet USEPA Identified Shortfalls in the Delaware Phase II Attainment Demonstration for the Philadelphia-Wilmington-Trenton Severe Ozone Nonattainment Area May 1998." This revision of Delaware's SIP will demonstrate how the state will meet the shortfalls for emission reductions of VOCs and NOx to ensure attainment of the 1-hour ozone National Ambient Air Quality Standards (NAAQS) within the nonattainment area within which Kent and New Castle counties are located. For more information contact Gary Koerber at gkoerber@cmar.navy.mil. Reference DE0003853. [Table of Contents](#)

DISTRICT OF COLUMBIA

No items of interest found.

MARYLAND

New Secretary of MDE Appointed^{vi}

On 9 SEP 02, Governor Parris Glendening appointed Richard F. Pecora as Secretary of the Maryland Department of the Environment (MDE). Mr. Pecora's appointment was effective immediately. Acting Secretary Merrylin Zaw-Mon has resumed her position as Deputy Secretary. Mr. Pecora has been the Deputy Secretary at the Maryland Department of General Services (DGS) since 1999. Mr. Pecora came to DGS from the Maryland Department of Transportation (MDOT), where he served in the Office of Real Estate Development as Assistant to the Secretary of Transportation from May 1999 to December 1999. While at MDOT, Mr. Pecora also served as the Special Assistant for Planning and Business Development at the Maryland Port Administration from June 1996 to May 1999. In 1987, he was appointed the Assistant Secretary for Operations at the Maryland Department of the Environment before beginning his first stint as Deputy Secretary of DGS from 1991-1996. A native of Baltimore, Mr. Pecora received a B.S. degree from the University of Maryland in 1967 and earned his law degree from the University of Baltimore School of Law in 1970. [Table of Contents](#)

MDE Greens Its New Offices^{vii}

The Maryland Department of Environment is now a tenant occupying the former Montgomery Ward building in Baltimore's Montgomery Park, a revitalization area of Baltimore. The rehabilitated green offices utilize energy savings, recycled and reused building materials, and a green garden roof. The green roof effectively reduces and delays storm water runoff, preventing the roof from over-heating. It is made of impervious sheeting placed on top of the conventional roof, overlain with soil and rock, and planted with hardy low-growing plants. EPA's Clean Water Act non-point source funds provided 60 percent of the cost, and the city provided the remainder. The state will be monitoring the roof's effectiveness in wet weather. For more information on the new building's green features, go to: http://www.mde.state.md.us/AboutMDE/mp_special.ASP. [Table of Contents](#)

Maryland Is Still In Continuous Drought Status^{viii}

The state of Maryland is still in a continuous drought status. The state needs the equivalent of a monsoon or hurricane to bring the water levels back to normal. Maryland usually receives about 47 inches of rainfall annually. During the last drought in 1999, the total was only about 39 inches. By this past August, the rainfall was already a foot below normal. For some counties, like Prince George's and Anne Arundel, rainfall remains less than 65 percent of normal, which is considered in emergency status. But, these areas have survived better than other areas of the state because they draw water from deep aquifers that are less vulnerable to dry seasons. In central Maryland - Baltimore, Carroll, Cecil, Frederick, Harford and Howard counties - where aquifers are much shallower, farmers have been devastated, many losing 20-60 percent of their crops. Central Maryland and Eastern shore areas continue to have emergency water restrictions that were placed into effect in August. The state's goal was to reduce consumption by 10 percent. So far, water consumption has been reduced by about 6 percent in Maryland. [Table of Contents](#)

PENNSYLVANIA

U.S. Court Orders Pennsylvania to Comply With Vehicle Emissions Testing

The U.S. District Court for the Eastern District of Pennsylvania orders Pennsylvania's Department of Transportation and Department of Environmental Protection to comply with federal motor vehicle

emissions testing as part of an ozone attainment state implementation plan. The court rules the state agencies must "fully implement in the five-county Philadelphia ozone nonattainment area the current version of the final motor vehicle exhaust emission standards" required by the approved state implementation plan. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/25Oct02/25.doc.html>. [Table of Contents](#)

Pennsylvania Still Suffering From Drought^{ix}

In Pennsylvania, only 12 of the 67 counties have had normal levels of rainfall. The Pennsylvania Department of Environmental Protection uses five parameters to assess drought conditions: stream flows, precipitation, reservoir storage levels, groundwater elevations and soil moisture. The problem is not the rainfall itself or the amounts of water in the rivers, streams, or reservoirs, it's how much can be absorbed by the ground. Nineteen counties, all in the southeastern part of the state, remain in a drought emergency status, while counties with normal water levels are in the northwest. [Table of Contents](#)

Control of NOx

The Department, through the Environmental Quality Board, is proposing the adoption of a program to limit the emissions of nitrogen oxides (NOx) from cement kilns and large stationary internal combustion engines. These provisions are proposed to be included in Chapter 145 (Interstate Ozone Transport Reduction). These regulations were previously proposed as part of the Chapter 145 development and are being re-proposed for additional public comment. NOx emission reductions are needed to help achieve ozone health-based standards in the eastern United States. Staff report that this proposed regulation also concerns the issue of ozone non-attainment in Southeastern Pennsylvania. For more information contact Gary Koerber at gkoerber@cmr.navy.mil. Reference PA0003875. [Table of Contents](#)

Portable Fuel Containers

The Department has adopted requirements for new portable fuel containers. The main components of the rulemaking relate to the permeability of the container to gasoline and to the construction of the fill spout. The permeability requirements will establish requirements for the treatment of the container or the application of an impermeable membrane to prevent the migration of vapors through the plastic container walls. The regulation adopts requirements for no-spill fill spouts on new containers.

<http://www.dep.state.pa.us/dep/subject/advoun/aqtac/2001/May/PFCANNEXA.pdf> [Table of Contents](#)

Stormwater Management

The Department has adopted a comprehensive stormwater management program, using existing authority, to improve water quality, sustain water quantity (including ground water recharge and stream base flow) and integrate Federal stormwater management obligations. This policy was developed in response to public comments and recommendations received during the water forums held throughout the state in the Spring of 2001 and to address Federal Clean Water Act Phase II Stormwater requirements. This policy will apply to stormwater management programs implemented by the Department.

http://www.dep.state.pa.us/dep/subject/Draft_technical_guidance/392-0300-002.pdf [Table of Contents](#)

General NPDES Permit

The Department is proposing the renewal of the General NPDES permit for stormwater discharges associated with construction activities, which expired 10/09/02. The Department is also proposing amendments to the permit. For more information contact Will Bullard at wbullard@cmr.navy.mil. Reference PA0007671. [Table of Contents](#)

VIRGINIA

De Minimis Activities For The Virginia Coastal Resource Management Program

By

Commander Michael T. Palmer and Francine E. Blend

Passed by Congress in 1972, the Federal Coastal Zone Management Act (CZMA) created a national management program (NCMP) to comprehensively manage competing uses of and impacts to coastal uses and resources. Pursuant to authority delegated from the U.S. Secretary of Commerce, the National Oceanic and Atmospheric Administration (“NOAA”) implements the NCMP and decides whether to approve state CMPs. The Commonwealth of Virginia has an approved program and implements the policies of the CZMA through their Virginia Coastal Resource Management Program (VCRMP).

The CZMA’s Federal consistency provision (CZMA § 307) requires that Federal agency actions, inside or outside designated state coastal zones, that affect any coastal use or resource, must be consistent with the Federally approved enforceable policies of the state’s coastal management program. The Navy, as a Federal agency, must be consistent to the maximum extent practicable with the enforceable policies of the VCRMP and submits its Coastal Consistency Determinations (CCD) describing the federal action and its and its impacts to the Commonwealth’s Office Environmental Impact Review (OEIR), the state agency that reviews all Federal actions for coastal consistency.

Recent revisions to CZMA Section 307 Federal consistency implementing regulations authorize the state’s to “exempt” certain types of Federal agency *de minimis* activities from state program review. In order to qualify for this “*de minimis*” exemption, the reviewing state has to agree with the Federal agency determination that the activity is not a development

project within the coastal zone (Federal facilities are expressly excluded from the coastal zone definition) and the activity is likely to impact a coastal use or natural resource, but the effect has been determined to be so minimal that no further review of such activities is necessary.

As Department of Defense Regional Environmental Coordinator for Virginia, the Navy coordinated a comprehensive review of Navy, Air Force, Army, and Coast Guard activities likely to coastal affects and identified over seventy-five proposed “*de minimis*” activities. Working closely with Virginia’s OEIR, the Navy submitted this list of proposed *de minimis* Federal agency activities for informal state review. OEIR, in turn, provided the proposed Federal agency activities list to all of the Commonwealth’s agencies that have enforceable programs in the VCRMP for informal review and comment. The only agency that provided substantive adverse comments and concerns was the Chesapeake Bay Local Assistant Department (CBLAD), which oversees the coastal lands management program of the VCRMP.

Navy and CBLAD representatives met in Richmond, Virginia, to discuss the listed activities and negotiate a consensus. Of the 75 (+) proposed *de minimis* Federal agency activities, approximately 63 were agreed upon by both Navy and CBLAD representatives, some with additional conditional language.

When finalized, the list will be formally submitted to OEIR for it concurrence and when approved, the listed activities will no longer require a CCD be submitted for those listed activities. [Table of Contents](#)

Guide to DOD Federal Consistency in the Commonwealth of Virginia

The CNRMA Guide to DoD Federal Consistency in the Commonwealth of Virginia and Appendices, are provided to assist all DoD Federal Facilities in complying with Virginia's

Coastal Management Program. This guide is intended to be used when drafting Coastal Consistency Determinations (CCD) to send to the Virginia Department of Environmental Quality, Office of Environmental Impact Review for concurrence. CCDs can be sent as part of the NEPA document or can be sent as a stand-alone document.

We have placed this document on our website to provide the widest dissemination and to obtain comments. If you have comments on the document please send an email to

fblend@cmar.navy.mil or call (757) 444-5151, DSN 564.

http://www.cnрма.navy.mil/REC/environmental_planning.htm [Table of Contents](#)

WEST VIRGINIA

Water Pollution Permit Fee Schedule

The Department is proposing amendments to its Water Pollution Control Permit Fee Schedule regulation. Staff state that the proposed general stormwater fees would be \$300 as opposed to \$700, which had been suggested by the USEPA. The fee applies to new permits for construction sites of 1-3 acres. For more information contact Will Bullard at wbullard@cmar.navy.mil. Reference WV0008046.

[Table of Contents](#)



COOL PICTURE!!! Download at: <http://www.epa.gov/safewater/publicoutreach/images/>

NEPA

FONSI FUN, HAPPY DAYS ARE HERE AGAIN

Endorsed FONSI's in our Region: In an attempt to inform the most curious minds while at the same time allowing others in our region to plagiarize, I mean make use of other commands hard work, or learn from their mistakes, I will reserve this corner of the newsletter for FONSI's that have been recently endorsed. The idea is to allow others who have a similar project to the one you may have gotten endorsed, to contact you if they have some questions or issues they have not been able to resolve. I hope that this will foster some dialogue on how we can begin to make our NEPA documents look more alike! If you would like to submit something along this line, please submit a FONSI to me at fblend@cmar.navy.mil by the 1st of each month for inclusion into that month's newsletter. Try and keep the format similar to what is being published this month: The Action Proponent, Title of the FONSI, Date endorsed and the POC. [Table of Contents](#)

Activation of an Existing and Certified Biosafety Level 3 Laboratory

(BSL-3) at the Naval Surface Warfare Center, Dahlgren Division, Dahlgren, Virginia. The proposed action is to activate and use a portion of an existing BSL-2 laboratory at NSWCDL as a BSL-3 laboratory. The portion of the existing BSL-2 laboratory that will be used as a BSL-3 laboratory was originally designed as a BSL-3 laboratory and has been certified by the U.S. Centers for Disease Control. The activation and use of the BSL-3 laboratory is needed to support the development and evaluation of defense measures against bio-terrorism. FONSI Endorsed by NAVSEA on 19 Aug 02. Dahlgren POC Patricia Albert (540) 653-8584. [Table of Contents](#)

Impact for Expansion of Joint Warfare Analysis Center (JWAC)

at Dahlgren Division, Naval Surface Warfare Center, Dahlgren, Virginia. JWAC is a major tenant at NSWCDL whose mission is to assist the Chairman of the Joint Chiefs of Staff and commanders of the unified command in preparation and analysis of joint operational warfare plans. The expansion required a new building and other site improvements to accommodate them at Dahlgren. A small portion of wetlands (0.19 acres) was required to construct the building and parking lots. FONSI Endorsed by NAVSEA on 20 Dec 01. Dahlgren POC Patricia Albert (540) 653-8584. [Table of Contents](#)

Communication Tower Replacement

at Bodie Island, Cape Hatteras, North Carolina. The proposed action is to replace the 27-year old, 470-foot tall, 51-inch wide Bodie Island communication tower with a new tower measuring 490 feet tall and 41 inches wide. The tower, an integral component of the Master Tracking and Instrumentation Subsystem (Master TIS) of the Oceana Tactical Aircrew Combat Training System (TACTS), is located in the Cape Hatteras National Seashore, approximately 2 miles north of the U.S. Coast Guard Bodie Island Light Station. The National Park Service participated as a cooperating agency for this EA. FONSI Endorsed by CINCLANTFLT on 13 Sept 02. POC: Joe Vlcek (757) 462-8564 ext 387. [Table of Contents](#)

CHESAPEAKE BAY PROGRAM

EPA Plays Part In Success Of Small Watershed Grants Program^x

EPA is a significant funding partner in the National Fish and Wildlife Foundation's successful public/private partnership to help restore the Chesapeake Bay, one small watershed at a time. Progress thus far includes the protection or restoration of over 13,600 acres of critical wildlife habitat, including over 2,600 acres of wetlands, 63 miles of riparian buffers, 847 acres of coastal habitat, and 91 acres of new oyster reef. EPA funding has also supported the removal of invasive plant species from 42 acres of critical wildlife habitat, and supported education efforts aimed at preventing the spread of zebra mussels within the watershed. To date, these projects have supported 50 efforts for community watershed and resource planning, 37 projects with a significant training component, 41 citizen monitoring projects, and 17 urban best management practices demonstration projects.

EPA To Award Grants To Prevent Non-Point Source Pollution From Reaching The Bay^{xi}

Based on a signed Memorandum of Understanding between the Chesapeake Bay Program signatories and the governors of Delaware, New York and West Virginia, EPA will provide up to \$250,000 in funding to implement on-the-ground Best Management Practice (BMP) methods determined to be the most

effective, practical means of preventing or reducing pollution from non-point sources. The "headwater states" of Delaware, New York and West Virginia have agreed to work cooperatively with the bay program to achieve nutrient and sediment reduction targets towards a restored Chesapeake Bay by 2010.

Chesapeake Bay Partner Communities Program Formed To Protect Bay Watershed^{xii}

The Chesapeake Bay Program announced the new Chesapeake Bay Partner Communities program on Oct. 2 as part of an expanded effort to rally local governments on the need to protect and restore local streams and rivers throughout the bay watershed. The Chesapeake Bay Program is now accepting applications from local governments for its Chesapeake Bay Partner Community Awards program. Jurisdictions are selected as a Chesapeake Bay partner community based on a set of programs and activities, or benchmarks, that aim to protect and restore their part of the bay watershed. Selection is based on the community's population and the percentage of benchmarks met in four categories: 1) improving water quality; 2) promoting sound land use; 3) protecting and restoring living resources and habitat; and 4) engaging the community. Communities meeting the criteria are recognized and presented roadside signs denoting the jurisdiction as a Chesapeake Bay partner community. [MORE](#)

Chesapeake Bay's Health Not Improving^{xiii}

By J.R. Pegg

WASHINGTON, DC, October 17, 2002 (ENS) - Promises by state governments and federal agencies to clean up the Chesapeake Bay have made virtually no impact in the past five years, according to an annual report from the Chesapeake Bay Foundation. The nation's largest estuary rates a 27 out of 100 on the environmental group's health index for 2002, unchanged from last year and a long way from the organization's goal of reaching 40 by 2010.

The benchmark of 100 reflects the Chesapeake as described in the early

1600s, when clean water revealed meadows of underwater grasses, vast oyster reefs and abundant fish.

"The improvements in the Bay have stalled," said Chesapeake Bay Foundation (CBF) senior scientist and assistant director Kim Coble. "There is a good effort but we need to see some changes in practices and in commitment from leadership in order to get it moving."

The biggest threat to the Bay is nitrogen pollution, and the report finds that "regulators and Bay states have not yet taken meaningful long term steps to fix the problem." More than 300 million pounds of nitrogen – from fertilizers, animals wastes and other sources –

flow into the Bay every year, causing algae overgrowth that kills fish and harms the bay grasses that provide crucial habitat for crabs and small fish.

A reduction in nitrogen would improve each of the other 12 indicators used to measure the health of the Bay, Coble said.

One of the most difficult things about cleaning up the Bay is locating the source of pollution. The Chesapeake Bay watershed covers more than 64,000 square miles and encompasses parts of six states: Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia, as well as the District of Columbia. More than 15 million people live in the watershed, a population expected to grow to 18 million by 2010.

For the Bay to reach a rating of 40 by 2010, the amount of nitrogen must be cut by about 150 million pounds, a target that will not be easy to reach. What is frustrating for environmentalists, however, is that political rhetoric on the Bay has offered hope of action without much actual accomplishment.

In 2000, the U.S. Environmental Protection Agency (EPA), the governors of Maryland, Pennsylvania and Virginia along with the mayor of Washington DC signed onto a detailed plan to clean up the Bay, largely in line with the targets set by CBF's 40 by 2010 goal. The agreement is aimed at getting the Bay off the EPA's list of impaired waters.

But the agreement provided no funds for the massive cleanup needed, and

funding for protection efforts has been spotty. Estimates for the cost of the work needed to get the Bay to 40 on the CBF's index range as high as \$20 billion. It will be expensive, Coble said, but the longer serious cleanup efforts are delayed, the more difficult and costly it will be to restore the Bay. "It is an enormous task and is not easily solvable, but we need this to occur more rapidly," Coble said. "The science is good and strong and there are steps we can take now while the rest of the questions are being answered."

One step the CBF is calling for is the upgrading of wastewater treatment plants, which contribute more than 60 million pounds of nitrogen to the Bay each year. Unlike agricultural runoff, this source of nitrogen is easy to identify and control, and the report

cites sewage treatment upgrades as the "the first and easiest step to decrease nitrogen loads."

The recommended upgrades could cost an estimated \$4.4 billion by 2010. So far, CBF reports that just 70 of the watershed's 288 plants have been upgraded. Many of these have only been upgraded to reduce the nitrogen content of treated wastewater to eight milligrams per liter, far short of the three milligrams per liter that CBF's plan requires.

Still, wastewater treatment upgrades are a good place to start, Colbe said. "The technology exists and we know it works," he explained. "This is also a good first step because although they are expensive, the costs are distributed across millions of people."

Nitrogen is not the only nutrient polluting the Bay. Phosphorus levels also need to be reduced, from the current 20 million pounds that enter the Bay each year to four million, according to CBF.

The report also found that more toxic chemicals were released into the Bay in 2002 than in previous years - evidence of an increase in actual releases of chemicals to waterways in Virginia and Maryland. 2002 also had an increased number of health advisories limiting fish consumption throughout the watershed due to toxic contaminants.

Maryland's famous blue crab population fared poorly in 2002, according to the report. Blue crabs dropped two points on the report's index, as the population suffered its third consecutive year of poor harvests.

"Scientific consensus is that the risk to the population is high and increasing," the report found. But the CBF said there is some optimism that a coordinated strategy between Maryland and Virginia could begin to show benefits later this year.

The one positive in the State of the Bay 2002 report is the finding that the Bay's shad population improved this year, as efforts to encourage spawning runs in several Bay tributaries began to pay dividends. Still, the shad population remains severely depleted - rating just seven on CBF's 100 point scale.

To read the report, visit the Chesapeake Bay Foundation at: <http://www.cbf.org>. [Table of Contents](#)

PERSONAL DEVELOPMENT

CONFERENCES

Partners in Environmental Technology Technical Symposium & Workshop 3-5 DEC 02, Washington D.C.

Hosted by the Strategic Environmental Research & Development Program (SERDP) and the Environmental Security Technology Certification Program, the meeting assembles the nation's best environmental researchers and developers with defense users and regulatory communities. It showcases cutting edge environmental technologies and ideas, and communicates difficult challenges of our defense establishment. For further information or to register, visit the SERDP website at:

<http://www.serdp.org/symposiums/symposiums.html>. [Table of Contents](#)

USEPA Compliance Assistance Providers Forum 4-6 DEC 02, San Antonio, TX

USEPA's Office of Compliance is sponsoring the forum, which brings together compliance and environmental assistance providers to share expertise, build their skills, and network. For further information or to register, visit the forum website at:

www.mng-ltd.com/cfide/website/ncapf02/index1.htm. [Table of Contents](#)

Region 3 Emergency Preparedness and Prevention Conference 8-12 DEC 02, Baltimore, MD

USEPA Region 3 is hosting the conference and has planned an agenda with a broad range of audiences in mind. There will be topics and training opportunities for a wide variety of personnel including: (1) environmental, emergency and safety staff from federal facilities; (2) Haz Mat response teams; (3) emergency managers and planners; and (4) medical, safety and environmental personnel from hospitals. For further information, visit the conference website at: <http://www.2002conference.org/>.

2002 Ground Water Expo, 9-12 DEC 02, Las Vegas, NV

The National Ground Water Association's 2002 Ground Water Expo promises education and networking opportunities for ground water professionals around the world. Premiering this year will be a unique series of technology demonstrations sponsored by The HDD Well Team of Arvada, Colo., to showcase the latest in ground water monitoring equipment. Julie Shaw, NGWA, phone: (800) 551-7379 email: jshaw@ngwa.org. [Table of Contents](#)

29th Environmental and Energy Symposium & Exhibition, 7-10 APR 03, Richmond, VA

The symposium will provide a national forum for the exchange of technical information, government policy, regulations, programs and law; and new ideas on environmental and energy issues and areas of concern. For hotel, abstract topic list and other conference information click on the following link:

<http://register.ndia.org/interview/register.ndia?~Brochure~3440> or contact Derek Jenks at djenks@ndia.org. [Table of Contents](#)

Industrial Wastes Technical and Regulatory Conference 13-16 APR 03, San Antonio, Texas

This conference encompasses issues related to the treatment, disposal, remediation, monitoring/sampling, and minimization of industrial wastes with a focus on technical applications, regulatory issues, and applied research. Industry representatives, consultants, regulatory officials, researchers and academia will participate in this targeted conference featuring workshops, professional development courses, technical sessions, awards, and industrial facility tours.

<http://www.wef.org/conferences/> [Table of Contents](#)

TRAINING

CECOS Courses

CECOS offers 56 different courses with 222 individual course offerings. Provided below are the environmental courses available for the next three months. There is no tuition charge for Department of Defense military personnel or civilian employees for resident training. For further information on the courses and/or to register, visit the CECOS training website at:

<https://www.cecocos.navy.mil/schedule.asp>. [Table of Contents](#)

START DATE	END DATE	COURSE TITLE	LOCATION
18 NOV 02	18 NOV 02	RCRA Hazardous Waste Review	NAF El Centro, CA
18 NOV 02	20 NOV 02	Environmental Compliance Assessment	Satellite Course
19 NOV 02	21 NOV 02	Ecological Risk Assessment	Charleston, SC
19 NOV 02	21 NOV 02	Introduction to Hazardous Waste Generation and Handling	NAF El Centro, CA
19 NOV 02	22 NOV 02	Natural Resources Compliance	Port Hueneme, CA
02 DEC 02	06 DEC 02	Introduction to Hazardous Waste Generation and Handling	Norfolk, VA
02 DEC 02	02 DEC 02	RCRA Hazardous Waste Review	San Diego, CA
03 DEC 02	05 DEC 02	National Environmental Policy Act (NEPA) Application	Port Hueneme, CA
03 DEC 02	05 DEC 02	Introduction to Hazardous Waste Generation and Handling	San Diego, CA
09 DEC 02	09 DEC 02	RCRA Hazardous Waste Review	Norfolk, VA
09 DEC 02	13 DEC 02	Pollution Prevention Program Operations and Management	Satellite Course
10 DEC 02	12 DEC 02	Munitions Response Site Management	Honolulu, HI
10 DEC 02	12 DEC 02	Basic Environmental Law	Washington DC
07 JAN 03	09 JAN 03	Environmental Negotiation Workshop	Honolulu, HI
07 JAN 03	16 JAN 03	Advanced Environmental Management	Port Hueneme, CA
14 JAN 03	16 JAN 03	Health & Environmental Risk Communication Workshop	Jacksonville, FL
14 JAN 03	16 JAN 03	National Environmental Policy Act (NEPA) Application	Jacksonville, FL
14 JAN 03	16 JAN 03	Emergency Planning and Community Right-To-Know (EPCRA) and Toxic Release Inventory (TRI) Reporting	Jacksonville, FL
14 JAN 03	17 JAN 03	Environmental Protection (incorporates Final Governing Standards for Overseas Offerings)	Norfolk, VA
14 JAN 03	16 JAN 03	Advanced Environmental Restoration	Washington DC
27 JAN 03	27 JAN 03	RCRA Hazardous Waste Review	San Diego, CA
28 JAN 03	30 JAN 03	Historic Preservation Law and Section 106 Compliance	Monterey, CA
28 JAN 03	30 JAN 03	Emergency Planning and Community Right-To-Know (EPCRA) and Toxic Release Inventory (TRI) Reporting	Philadelphia, PA
28 JAN 03	30 JAN 03	Introduction to Hazardous Waste Generation and Handling	San Diego, CA
31 JAN 03	31 JAN 03	RCRA Hazardous Waste Review	Lemoore, CA
03 FEB 03	05 FEB 03	Introduction to Hazardous Waste Generation and Handling	Lemoore, CA
04 FEB 03	07 FEB 03	Environmental Protection (incorporates Final Governing Standards for Overseas Offerings)	ROTA, Spain
10 FEB 03	10 FEB 03	RCRA Hazardous Waste Review	Gulfport, MS
10 FEB 03	14 FEB 03	Pollution Prevention Program Operations and Management	Satellite Course
11 FEB 03	13 FEB 03	Introduction to Hazardous Waste Generation and Handling	Gulfport, MS
11 FEB 03	13 FEB 03	Emergency Planning and Community Right-To-Know (EPCRA) and Toxic Release Inventory (TRI) Reporting	San Diego, CA

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ⁱ <http://www.dt.navy.mil/pao/release/press/White%20House%20Circle.html>

ⁱⁱ Reprinted with permission. National Geographic magazine, OCT 02

ⁱⁱⁱ This information was culled from the NFESC Weekly Regulatory Summary. If you would like to subscribe log on to
<http://regscreen.nfesc.navy.mil/html/Subscribe.htm>.

^{iv} <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/16Oct02/11.doc.html>

^v <http://www.epa.gov/ogwdw000/ars/implement.html>

^{vi} Northern Region Review, October 2002, Volume VII, No. 10

^{vii} http://www.epa.gov/region03/ebytes/ebytes10_25_02.html

^{viii} http://www.epa.gov/region03/ebytes/ebytes10_25_02.html

^{ix} http://www.epa.gov/region03/ebytes/ebytes10_25_02.html

^x EPA EnviroBytes Newsletter 4 OCT 02 www.epa.gov

^{xi} EPA EnviroBytes Newsletter 4 OCT 02 www.epa.gov

^{xii} EPA EnviroBytes Newsletter 4 OCT 02 www.epa.gov, <http://www.chesapeakebay.net/commawards.htm>

^{xiii} Environment News Service 18 OCT 02